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(ajr)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
AT CLEVELAND

IN RE:

Jason J. Roloff

Debtor

Case No. 08-19245

Chapter 13
Judge Harris

MOTION OF U.S. BANK N.A. BY
AND THROUGH U.S. BANK HOME
MORTGAGE ITS SERVICER FOR
RELIEF FROM STAY
(PROPERTY ADDRESS:
6419 SPRINGWOOD ROAD
PARMA HEIGHTS, OH 44130)

U.S. Bank N.A. by and through U.S. Bank Home Mortgage its servicer, (the "Movant") moves this Court, under §§ 361, 362, 363 and other sections of the Bankruptcy Reform Act of 1978, as amended (the "Bankruptcy Code") and under Rules 4001, 6007, and other rules of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for an Order conditioning, modifying or dissolving the automatic stay imposed by § 362 of the Bankruptcy Code. In support of this Motion, the Movant states:

MEMORANDUM IN SUPPORT

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.

2. On December 22, 2005, the Debtor listed above (collectively, the "Debtor") obtained a loan from **First Place Bank** in the amount of \$115,640.00. Such loan was evidenced by a promissory note dated December 22, 2005 (the "Note"), a copy of which is attached as Exhibit "A".

3. To secure payment of the Note and performance of the other terms contained in it, the Debtor executed a Mortgage dated December 22, 2005 (the "Security Agreement"). The Security Agreement granted a lien on the real and/or personal property (the "Collateral") owned by the Debtor located at 6419 Springwood Road, Parma Heights, Ohio 44130, and more fully described in the Security Agreement.

4. The lien created by the Security Agreement was duly perfected by the filing of the Security Agreement in the office of the Cuyahoga County Recorder on December 28, 2005. A copy of the Security Agreement is attached to this Motion as Exhibit "B".
The lien is the 1st lien on the collateral.

5. The Note and Security Agreement were transferred as follows:

to U.S. Bank N.A. as evidenced by the assignment recorded on December 28, 2005 attached hereto as Exhibit "C".

6. The value of the Collateral is \$123,200.00. This valuation is based on Cuyahoga County Auditor's Records.

7. As of the date of this Motion, there is currently due and owing on the Note the outstanding balance of \$115,291.59, plus interest accruing thereon at the rate of 5.150% per annum (\$15.66 per day) from June 2, 2009.

8. Other parties known to have an interest in the Collateral are: Amer. Gen. Fin. by virtue of a second mortgage, upon which there is due approximately \$10,155.00.

9. Movant is entitled to relief from the automatic stay under §§ 362(d)(1) and/or 362(d)(2) for these reason(s):

Debtor has no equity in the Collateral and the Collateral is not needed by the Debtor for his reorganization. Movant believes that the collateral has a value of \$123,200.00. Including the Movant's lien, there are liens in an aggregate amount of \$125,446.59 on the Collateral.

Debtor has failed to provide adequate protection for the lien held by the Movant for the reason set forth below.

Debtor has failed to make periodic payments to Movant since the commencement of this bankruptcy case, which unpaid payments are in the aggregate amount of \$2,830.31, which consists of three payments at \$961.31 each from April 2009 through June 2009, together with two late charges at \$31.57 each from April 2009 and May 2009, less debtor's suspense balance of \$116.76, as of June 1, 2009.

10. Movant has completed the worksheet attached as Exhibit "D".

11. This Motion conforms to the standard form adopted in this District except as follows: N/A.

WHEREFORE, Movant prays for an Order from the Court granting Movant relief from the automatic stay of §362 of the Bankruptcy Code to permit Movant to proceed under law and for such other and further relief to which the Movant may be entitled.

/s/ Michael R. Proctor

Michael R. Proctor

Ohio Supreme Court #0076240

(513) 241-3100 x-3224

LERNER, SAMPSON & ROTHFUSS

Attorneys for Movant

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Motion for Relief from Stay of the secured creditor, U.S. Bank N.A. by and through U.S. Bank Home Mortgage its servicer, was electronically transmitted on or about the 1st day of June, 2009 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list.

Julie E Rabin, Esq.
Rabin & Rabin Co LPA
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BP Tower
200 Public Square, Suite 3860
Cleveland, OH 44114-2314
chap13shopneck@chap13cleve.com

Office of the U.S. Trustee
Howard Metzenbaum U.S. Courthouse
201 Superior Avenue
Cleveland, OH 44114
(Registered address)@usdoj.gov

The undersigned certifies that a copy of the foregoing Motion for Relief from Stay of the secured creditor, U.S. Bank N.A. by and through U.S. Bank Home Mortgage its servicer, was transmitted on or about the 1st day of June, 2009 via regular U.S. mail, postage pre-paid:

Jason J Roloff
6419 Springwood Rd
Parma Hts, OH 44130

Amer. Gen. Fin.
600 N. Royal Avenue
Evansville, IN 47731

/s/ Michael R. Proctor
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